

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

WEETAH WINTER BLOSSOM KENNISON,

Case No.: 2:21-cv-02210-CDS-EJY

Plaintiff,

## Order Adopting Report and Recommendation

ADAM B. DECARLO *et al.*

[ECF No. 17]

## Defendants.

Before the Court is the Report and Recommendation (R&R) of United States Magistrate Judge Elayna J. Youchah entered on June 13, 2022. ECF No. 17. In the R&R, the Magistrate Judge recommends that Mid-Century Insurance Company's Motion to Intervene (ECF No. 13) be granted. *Id.* at 5. The deadline for any party to object to that recommendation was June 27, 2022, and no party filed an objection or asked to extend the deadline to do so.

While review is not required of a magistrate judge’s report and recommendation unless objections are filed,<sup>1</sup> I nevertheless conducted a de novo review of the arguments set forth in the R&R pursuant to 28 U.S.C. § 636(b)(1). When reviewing the order of a magistrate judge, the order should only be set aside if the order is clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a); LR IB 3-1(a); 28 U.S.C. § 636(b)(1)(A); *Laxalt v. McClatchy*, 602 F. Supp. 214, 216 (D. Nev. 1985). A magistrate judge’s order is “clearly erroneous” if the court has “a definite and firm

<sup>1</sup> *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

1 conviction that a mistake has been committed." See *United States v. United States Gypsum Co.*, 333  
2 U.S. 364, 395, 68 S. Ct. 525, 92 L. Ed. 746 (1948); *Burdick v. Comm'r IRS*, 979 F.2d 1369, 1370 (9th  
3 Cir. 1992). "An order is contrary to law when it fails to apply or misapplies relevant statutes,  
4 case law or rules of procedure." *UnitedHealth Grp., Inc. v. United Healthcare, Inc.*, No. 2:14-cv-00224-  
5 RCJ, 2014 U.S. Dist. LEXIS 129489, 2014 WL 4635882, at \*1 (D. Nev. Sept. 16, 2014). Here, I find  
6 that Judge Youchah sets forth the proper legal analysis which is not clearly erroneous or  
7 contrary to the law. Accordingly,

8 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and  
9 Recommendation (ECF No. 17) is AFFIRMED and ADOPTED in its entirety.

10 IT IS FURTHER ORDERED that Mid-Century Insurance Company's Motion to  
11 Intervene (ECF No. 13) is GRANTED.

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13 DATED this 28th day of May, 2022.



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15 Cristina D. Silva  
16 United States District Judge  
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